

IN THE CRIMINAL COURT FOR KNOX COUNTY, TENNESSEE

DIVISION II

FILED
BY MIKE HAMMOND

2017 OCT 13 AM 10:34

STATE OF TENNESSEE

V.

HARLAN FERGUSON

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NO. 108894

KNOX COUNTY CRIMINAL COURT
KNOXVILLE, TN

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STATE'S RESPONSE TO MOTION TO MODIFY BOND TERMS

COMES THE STATE OF TENNESSEE, by and through counsel, and would respond to Defendant's Motion to Modify Bond Terms as follows:

1. On February 3, 2016, the Defendant engaged in reckless conduct with a motor vehicle by passing vehicles on a double yellow line at a high rate of speed in Knox County, Tennessee.
2. This conduct was observed by Chief Henderson, KCSO, who reported the vehicle to Captain Amburn, KCSO, who was in the immediate vicinity.
3. Captain Amburn attempted to block Brown Gap Road at Crippen Road by straddling the intersection with blue lights on.
4. The Defendant drove into a ditch to get around Captain Amburn and continued driving at high speeds up Bell Road.
5. Captain Amburn observed the Defendant's vehicle cross the double yellow and nearly strike another vehicle head on at high speed.
6. A short distance later, Defendant lost control of the vehicle, ran off the right side of the roadway, and struck a tree, causing fatal injuries to his passenger Sarah Howe.

7. Chief Henderson pulled Defendant from the vehicle as it began to burn. Chief Henderson noted that Defendant smelled of an alcoholic beverage. Defendant was transported to UTMC for treatment of his injuries.
8. Captain Amburn observed two or three beer cans in the Defendant's vehicle.
9. While at UTMC, Defendant was requested to submit a blood sample for testing. Defendant advised officers that he refused to voluntarily provide a sample. However, Defendant stated that it was only alcohol, not drugs. Additionally, Defendant advised that he should not have been driving, that he had really messed up, and that he did not sober up until about 0130 a.m.- approximately six hours after the crash.
10. Officers obtained search warrants for a sample of Defendant's blood, as well as any blood samples collected by UTMC in the course of Defendant's medical treatment.
11. TBI testing of the medical sample of Defendant's blood revealed a BAC of .18%, as well as the presence of marijuana metabolite.
12. Defendant has prior convictions DUI and UDWI.
13. Defendant's bond was initially set at \$120,000.00 by the Grand Jury.
14. At a previous bond hearing on October 25, 2016, the Court reduced Defendant's bond to \$5,000 with Pretrial Supervision and SCRAM monitoring. The Court further ordered that public funds of up to \$200 a month be provided to help cover the expense of Defendant's SCRAM monitoring.

15. While State respects the religious beliefs of Defendant, as well as his interest in pursuing hydrotherapy treatment, State submits that Defendant presents a legitimate risk to the public, and that SCRAM monitoring at least mitigates this risk.
16. Moreover, because of the expenditure of public funds to cover the cost of Defendant's SCRAM monitoring, its continued use does not present a significant financial hardship to the Defendant.
17. If the Defendant wishes to be removed from SCRAM monitoring, State submits that reinstatement of Defendant's original bond of \$120,000.00 without SCRAM or Pretrial Supervision would be appropriate.

WHEREFORE, the State would pray as follows:

1. That the Court not release the Defendant from SCRAM monitoring.
2. That if the Court elects to release the Defendant from SCRAM monitoring, the Court reinstate Defendant's original bond of \$120,000.00.
3. Any other relief to which the State might be entitled.

RESPECTFULLY SUBMITTED this 13th day of October, 2017.

CHARME P. ALLEN
DISTRICT ATTORNEY GENERAL

BY: 
GREGORY C. ESHBAUGH
ASSISTANT DISTRICT ATTORNEY